

MAR 25 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

CARLOS ANDRADE-MADRIGAL;
LILIA ANDRADE-YEPEZ,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

Nos. 04-75647
05-70313

Agency Nos. A93-291-358
A77-294-957

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 18, 2008**

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

In these consolidated petitions for review, Carlos Andrade-Madrigal and
Lilia Andrade-Yeppez, husband and wife and natives and citizens of Mexico,

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

04-75647

petition for review of two orders of the Board of Immigration Appeals (“BIA”), one affirming an immigration judge’s (“IJ”) decision denying their application for cancellation of removal and the other denying their motion to reconsider. Our jurisdiction is governed by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition in No. 04-75647 and dismiss the petition in No. 05-70313.

We lack jurisdiction to review the IJ’s discretionary determination that petitioners failed to show exceptional and extremely unusual hardship to a qualifying relative. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

Petitioners’ challenge to the agency’s hardship standard is unpersuasive.

We lack jurisdiction over the BIA’s order denying reconsideration because it concerned the same basic hardship grounds as petitioners’ initial application for cancellation of removal. *See Fernandez v. Gonzales*, 439 F.3d 592, 602-03 (9th Cir. 2006).

No. 04-75647: PETITION FOR REVIEW DISMISSED in part, DENIED in part.

No. 05-70313: PETITION FOR REVIEW DISMISSED.